

**In re: Baycol Products Litigation
MDL No. 143**

**Special Master PTO 78
Assessment Decision No. 6**

A Request pursuant to Pretrial Order No.78 was submitted in the case of Stefania Tomasik challenging the MDL 6% holdback. Baskin, Server, Berke, & Weinstein represent the Plaintiff. Leanne DeShong submitted a response on behalf of Bayer; and Ron Goldser submitted a response on behalf of the Plaintiffs' Steering Committee.

Case Summary

This action was originally filed in state court in the Circuit Court of Cook County Illinois. Defendant Bayer transferred this case to the United States District Court for the Northern District of Illinois. This case was transferred to, docketed, and filed with this Court, MDL Case No. 02-0443.

Decision

Holdbacks are to be reserved if this Court has jurisdiction and one of the factors set forth in Pretrial Order No. 53 exists. Paragraph 2 of PTO 53 states that a holdback applies to: "a) all cases transferred to this MDL, except those remanded by order of the Court to state court for lack of jurisdiction." As this case was transferred to this Court, the Request by Plaintiff is presently denied. Plaintiff may seek a refund of the entire holdback or a portion of it at a later time when this Court determines the distribution of the holdback contributions.

July 29, 2003

/s/ Roger S. Haydock
Special Master